

Sixth Appellate District

San Jose, California

MONDAY, DECEMBER 18, 2006

H030049 PEOPLE v. MURRAY

The judgment is affirmed. (not published)  
(Premo, J.; We concur: Rushing, P.J., Elia, J.)  
Filed December 18, 2006

H022727 PEOPLE v. DOMINGUEZ

The judgment is affirmed. (not published)  
(Rushing, P.J.; We concur: Premo, J., Elia, J.)  
Filed December 18, 2006

H030560 BRITTS et al. v. SUPERIOR COURT OF SANTA CLARA COUNTY

Let a peremptory writ of mandate issue directing respondent superior court to vacate its August 4, 2006 discovery order, to schedule a new hearing on Berg's motion to compel and for discovery sanctions with a briefing schedule that allows petitioners a reasonable time to file opposition to the motion on its merits, and to consider the motion anew in accordance with the views expressed in this opinion. Our temporary stay shall remain in effect until this opinion becomes final. Petitioners are awarded their costs in this proceeding. (published)  
(Duffy, J.; We concur: Premo, Acting P.J., Elia, J.)  
Filed December 18, 2006

H030126 PEOPLE v. SMITH

The judgment is affirmed. (not published)  
(Duffy, J.; We concur: Mihara, Acting P.J., McAdams, J.)  
Filed December 18, 2006

H030026 PEOPLE v. LACERDA

The judgment is affirmed. (not published)  
(Premo, J.; We concur: Rushing, P.J., Elia, J.)  
Filed December 18, 2006

H029019 PEOPLE v. GARCIA

The judgment is reversed and the matter is remanded with instructions to the trial court to reinstate the original sentencing order requiring defendant to register as a sex offender pursuant to section 290. (not published)  
(Rushing, P.J.; We concur: Premo, J., Elia, J.)  
Filed December 18, 2006

Sixth Appellate District

San Jose, California

Monday, December 18, 2006 (continued)

H023158 CITY OF MARINA et al v. BOARD OF TRUSTEES OF THE CALIFORNIA STATE UNIVERSITY

In accordance with the specific directions of the Supreme Court, the matter is remanded, and the superior court is directed to vacate its writ of mandate and issue a new writ consistent with the views expressed by Supreme Court in *City of Marina v. Board of Trustees of the California State University, supra*, 39 Cal.4<sup>th</sup> 341. (not published)

(Rushing, P.J.; We concur: Bamattre-Manoukian, J., Mihara, J.)  
Filed December 18, 2006

TUESDAY, DECEMBER 19, 2006

H030346 PEOPLE v. MURILLO

The judgment is affirmed. (not published)  
(Premo, J.; We concur: Rushing, P.J., Elia, J.)  
Filed December 19, 2006

H029362 PEOPLE v. JOHNSON

The judgment is modified to strike the order requiring defendant to reimburse the County \$500 for attorney fees. As so modified, the judgment is affirmed. (not published)  
(Duffy, J.; We concur: Mihara, Acting P.J., McAdams, J.)  
Filed December 19, 2006

H030052 PEOPLE v. HERENA

The judgment is affirmed. (not published)  
(Duffy, J.; We concur: Mihara, Acting P.J., McAdams, J.)  
Filed December 19, 2006

H030047 KELLY v. RMI INSURANCE SERVICES, INC.

The order denying RMI's motion to vacate the judgment is affirmed. (not published)  
(Elia, J.; We concur: Rushing, P.J., Premo, J.)  
Filed December 19, 2006

The following cases are submitted this date:

H029791 SHISLER, et al. v. SANFER SPORTS CARS, INC.

H030355 In re ISIAH M.; D.F.C.S. v. BLANCA R.

WEDNESDAY, DECEMBER 20, 2006

The following cases are submitted this date:

H030380 In re BRENDA L.; D.F.C.S. v. ALEJANDRA H.

H029866 In re PAUL W. on Habeas Corpus

H029999 PEOPLE v. EDWARD O.

Sixth Appellate District

San Jose, California

Wednesday, December 20, 2006 (continued)

H030711 TYRONE J. v. SUPERIOR COURT

The writ petition is denied. (not published)  
(Bamattre-Manoukian, Acting P.J.; We concur: Mihara, J., Duffy, J.)  
Filed December 20, 2006

H029824 PEOPLE v. ESTRADA

The trial court's order of commitment is affirmed. (not published)  
(Duffy, J.; We concur: Mihara, Acting P.J., McAdams, J.)  
Filed December 20, 2006

H029671 PEOPLE v. AVILA

The judgment is modified (1) to reflect that the two-year sentence on count 5 (false imprisonment [§§ 236-237]), along with the one-year enhancement (§ 12022, subd. (b)(1)) on the count 5 conviction, are stayed; (2) to amend the amount of the restitution fine imposed under section 1202.4 to the amount of \$1,200; and (3) to amend the amount of the parole revocation restitution fine imposed under section 1202.45 to the amount of \$1,200, which fine is suspended. As so modified, the judgment is affirmed. The superior court is ordered to send a certified copy of the corrected abstract of judgment to the Department of Corrections. (not published)  
(Duffy, J.; We concur: Mihara, Acting P.J., McAdams, J.)  
Filed December 20, 2006

H029963 PEOPLE v. GORDON

Counsel's motion to withdraw, which was deferred pending consideration of the merits of this appeal, is granted. The judgment is affirmed. (not published)  
(Elia, J.; We concur: Rushing, P.J., Premo, J.)  
Filed December 20, 2006

H029528 DELL'OCA, as Trustee, etc. v. UBS SECURITIES LLC  
By the Court\*:

Appellants' petition for rehearing is denied.  
Filed: December 20, 2006  
\*Before Rushing, P.J., Premo, J. and Elia, J.

H029474 GONZALEZ v. SANTA CLARA COUNTY, et al.

The judgment is affirmed. (not published)  
(Premo, Acting P.J.; We concur: Elia, J., Mihara, J.)  
Filed December 20, 2006

Sixth Appellate District

San Jose, California

Wednesday, December 20, 2006 (continued)

H029791 SHISLER v. SANFER SPORTS CARS, INC.

The order of the superior court granting defendant's motion to quash service of summons is affirmed. (not published)  
(Premo, J.; We concur: Rushing, P.J., Elia, J.)  
Filed December 20, 2006

H029404 PEOPLE v. BESWETHERICK

The judgment is affirmed. (not published)  
(Elia, J.; We concur: Rushing, P.J., Premo, J.)  
Filed December 20, 2006

H028538 REINHARD v. OZ OPTICS LIMITED, et al.

The judgment is reversed, and the matter is remanded for retrial. On retrial, the jury should be instructed that Reinhard breached the contract by drawing on the LC. Bitmath and Oz shall recover their appellate costs. (not published)  
(Mihara, J.; I concur: Elia, J.; Dissenting opinion by Rushing, P.J.)  
Filed December 20, 2006

H029741 ROSENVICK, INC., v. MORTGAGETREE LENDING

By the Court\*:

Cross-Complainant and Respondent's petition for rehearing is denied.

Filed: December 20, 2006

\*Before Rushing, P.J. and Elia, J.

H028989 PEOPLE v. BLAN

By the Court\*:

Appellant's petition for rehearing is denied.

Filed: December 20, 2006

\*Before Rushing, P.J., Premo, J. and Elia, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA

IN AND FOR THE SIXTH APPELLATE DISTRICT

IT IS HEREBY ORDERED that Misc. Order 95-2 is vacated effective January 1, 2007.

Dated December 20, 2006

CONRAD L. RUSHING, Administrative Presiding Justice

COURT OF APPEAL OF THE STATE OF CALIFORNIA

IN AND FOR THE SIXTH APPELLATE DISTRICT

IT IS HEREBY ORDERED that Local Rule 1 is repealed.

Dated December 20, 2006

CONRAD L. RUSHING, Administrative Presiding Justice

Sixth Appellate District

San Jose, California

THURSDAY, DECEMBER 21, 2006

H029294 PEOPLE v. LEWIS

The judgment is hereby modified to reflect presentence credit of 155 days actual custody plus 76 days of conduct credit for a total of 231 days. The trial court is directed to prepare an amended abstract of judgment and to forward a certified copy of the amended abstract to the Department of Corrections. As modified, the judgment is affirmed. (not published)  
(Mihara, J.; We concur: Bamattre-Manoukian, Acting P.J., McAdams, J.)

Filed December 21, 2006

H028703 PEOPLE v. VILLALOBOS, et al.

By the Court\*:

Respondent's petition for rehearing is denied.

Filed: December 21, 2006

\*Before Elia, J., Rushing, P.J. and Premo, J.

H029086 GIBBS, et al. v. TIFFIN, et al.

By the Court\*:

Appellants' petition for rehearing is denied.

Filed: December 21, 2006

\*Before Rushing, P.J., Premo, J. and Elia, J.

H030401 PEOPLE v. O'BRIEN

The judgment is affirmed. (not published)

(Bamattre-Manoukian, Acting P.J.; We concur: McAdams, J., Duffy, J.)

Filed December 21, 2006

H029861 PEOPLE v. BROWN

By the Court\*:

Appellant's petition for rehearing is denied.

Filed: December 21, 2006

\*Before Rushing, P.J., Premo, J. and Elia, J.

H030730 JAMES D. et al. v. SUPERIOR COURT; DFCS

The writ petitions are denied. (not published)

(Bamattre-Manoukian, Acting P.J.; We concur: Mihara, J., Duffy, J.)

Filed December 21, 2006

Sixth Appellate District

San Jose, California

Thursday, December 21, 2006 (continued)

H029248 PEOPLE v. LOPEZ

The order committing defendant Elijah Samson Lopez to the Department of Mental Health as a sexually violent predator is affirmed. (not published)  
(Bamattre-Manoukian, Acting P.J.; We concur: Mihara, J., McAdams, J.)

Filed December 21, 2006

H030355 In re ISAIAH M.; DFCS v. BLANCA R.

The judgment terminating parental rights is affirmed.  
(not published)  
(Bamattre-Manoukian, Acting P.J.; We concur: Mihara, J., Duffy, J.)

Filed December 21, 2006

FRIDAY, DECEMBER 22, 2006

The following cases are submitted this date:

H030449 In re ALICIA M.; D.F.C.S. v. TAMMY L.

H028624 PEOPLE v. MASON

H028636 PEOPLE v. LOPEZ

The judgment is affirmed. (not published)  
(McAdams, J.; We concur: Mihara, Acting P.J., Duffy, J.)

Filed December 22, 2006

H029303 PEOPLE v. CARTER, JR.

The judgment is affirmed. (not published)  
(McAdams, J.; We concur: Mihara, Acting P.J., Duffy, J.)

Filed December 22, 2006

H029211 TORRES v. CITY OF SAN JOSE, et al.

The judgment is affirmed. (not published)  
(Elia, J.; We concur: Rushing, P.J., Premo, J.)

Filed December 22, 2006

H030160 PEOPLE v. JAMES M.

The judgment is reversed. The case is remanded to the juvenile court with directions to allow appellant to withdraw his admission and to grant the motion to suppress. (not published)  
(Mihara, J.; We concur: Bamattre-Manoukian, Acting P.J., Duffy, J.)

Filed December 22, 2006